

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLENE JOYNER	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
OFM, INC., OFM, LLC and JOHN DOE	:	
	:	
Defendants	:	
	:	

**NOTICE OF REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant OFM, LLC respectfully petitions this Court for removal of the above-captioned case from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1332(a), 1441(a), 1446 and alleges as follows:

**INTRODUCTION**

1. OFM, LLC files this Notice of Removal to remove an action to this Court that could have originally been filed in this Court under its diversity jurisdiction, 28 U.S.C. § 1332, but was instead first filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, at Case No. 220700782 by Plaintiff Charlene Joyner (“Plaintiff” or “Joyner”).

2. OFM, LLC has never maintained operations in Pennsylvania and has no association with “OFM, Inc.”, and upon information and belief, Defendant OFM, Inc., as referenced in the Complaint, no longer exists as a foreign business entity. According, removal to the United States District Court for the Eastern District of Pennsylvania is proper.

3. All prerequisites for the removal have been satisfied and all deadlines for removal have been complied with.

### **THE STATE COURT COMPLAINT**

4. On July 12, 2022, Plaintiff filed a Complaint in the Philadelphia County Court of Common Pleas, asserting causes of action against the Defendants. The action is docketed at Case ID No. 220700782.

5. A copy of the Complaint was served upon OFM, LLC on July 18, 2022.

6. No other Defendant has been served with a copy of the Complaint.

### **GROUND FOR REMOVAL**

7. This Court has original jurisdiction over a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. § 1332(a)(1).

8. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) as it has been filed within 30 days of service of the Complaint upon OFM, LLC, the only party properly served with a copy of the Complaint in this action.

9. Plaintiff Charlene Joyner is an individual and citizen of Pennsylvania.

10. OFM, LLC is a Delaware limited liability company with its principal place of business in 161 Tradition Trail, Holly Springs, NC 27540.

11. There is complete diversity of citizenship between Plaintiff and OFM, LLC, no properly served Defendant is a citizen of Pennsylvania, and upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

12. As a result, this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a), and removal is proper pursuant to 28 U.S.C. § 1441.

13. A copy of all process, pleadings, and orders served upon Removing Defendant is attached as **Exhibit B**.

#### **INVESTIGATION OF OFM, INC.**

14. HNI Corporation through its subsidiary, The HON Company LLC, an Iowa limited liability company, acquired the equity interests of OFM, LLC, a Delaware limited liability company, on January 31, 2016.

15. OFM, LLC was formed in Delaware on June 12, 2012 and filed a foreign qualification in North Carolina on June 28, 2012.<sup>1</sup>

16. OFM, LLC has never filed a foreign qualification in Pennsylvania and does not maintain a place of business in Pennsylvania.

17. OFM, LLC has no association with “OFM, Inc.” purportedly located at 4700 Wissahickon Avenue, Philadelphia, PA 19144 according to Plaintiff’s Complaint.

18. Upon information and belief, an entity called “OFM Inc.” was incorporated in North Carolina on October 3, 1995, by Abel Zalcberg.

19. Upon information and belief, OFM, Inc. filed a Certificate of Authority as a foreign business corporation with the Pennsylvania Department of State on January 29, 2010, with an address listed as 4700 Wissahickon Ave Philadelphia PA 19144 Philadelphia.

20. Upon information and belief, OFM, Inc. filed Articles of Amendment with the North Carolina Department of State on July 5, 2012, changing the name of the entity to “ABCZ Investments, Inc.”

21. Upon information and belief this entity was administratively dissolved in 2015.

---

<sup>1</sup>OFM, LLC was formed in Delaware with the name “OFM Acquisition, LLC.” OFM Acquisition, LLC became “OFM, LLC” on July 6, 2012.

22. OFM, LLC has no association with “OFM, Inc.”

**NOTICE TO ADVERSE PARTIES AND STATE COURT**

23. Removing Defendant OFM, LLC will promptly give written notice of the filing of this Notice of Removal to all adverse parties and will file a copy with the Philadelphia County Court of Common Pleas.

WHEREFORE, Removing Defendant OFM, LLC respectfully requests that this action be removed to the United States District Court for the Eastern District of Pennsylvania.

COZEN O’CONNOR



BY: \_\_\_\_\_

Casey James  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
*Attorneys for Defendants*

Dated: August 8, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLENE JOYNER	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
v.	:	
	:	
OFM, INC., OFM, LLC and JOHN DOE	:	NO.
	:	
Defendants	:	
	:	

**CERTIFICATE OF SERVICE**

I, Casey James, Esquire, hereby certify that on the **8<sup>th</sup>** day of **August, 2022**, I did cause a true and correct copy of the foregoing **Notice of Removal** to be served via email and United States first class mail upon the following counsel of record:

Louis B Himmelstein, Esquire  
Brett M. Walker, Esquire  
Louis B. Himmelstein & Associates, P.C.  
1420 Walnut Street – Suite 1000  
Philadelphia, PA 19102  
[lawyers@himmelsteinlawoffices.com](mailto:lawyers@himmelsteinlawoffices.com)

COZEN O’CONNOR



BY: \_\_\_\_\_

Casey James  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
*Attorneys for Defendants*

Dated: 08/08/2022